

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 6-12 are pending in the present application. Claims 6-11 are currently amended. Claim 12 is newly added. Support for the amendments to Claims 6-9 is self-evident. Support for the amendments to Claims 10-11 can be found in the specification as published at least at paragraph [0078] and in Figure 12. Support for newly added Claim 12 can be found in the specification as published at least at paragraph [0081]. Thus, no new matter is added.

The outstanding Office Action rejected Claims 10-11 under 35 U.S.C. § 103(a) as unpatentable over Chow et al. (U.S. Patent No. 5,382,478, herein "Chow"). The outstanding Office Action rejected Claims 10-11 on the grounds of nonstatutory obviousness-type double patenting as unpatentable over Claim 1 of U.S. Patent No. 7,311,760 (herein "Matsumura").

Claims 6-9 were indicated as allowed. Applicants note with appreciation the allowance of Claims 6-9.

At the outset, Applicants note with appreciation the courtesy of a personal interview granted to Applicants' representative by Primary Examiner Jason Greene. In combination with the interview summary provided by Primary Examiner Greene, the substance of the personal interview is substantially summarized below in accordance with MPEP § 713.04.

Applicants respectfully traverse the rejection of Claims 10-11 under 35 U.S.C. § 103(a) as unpatentable over Chow.

Amended independent Claim 10, recites, in part:

the temperature-humidity exchange stacked body on the upper side and the temperature-humidity exchange stacked body on the lower side are stacked on each other to be partitioned by an intermediate separator,

wherein gases are mixed on a first side of the intermediate separator prior to flowing to a second side of the intermediate separator.

Thus, the temperature-humidity exchanger includes a temperature-humidity exchange stacked body on the upper side and a temperature-humidity exchange stacked body on the lower side that are stacked on each other and partitioned by an intermediate separator. Furthermore, gases are mixed on a first side of the intermediate separator prior to flowing to a second side of the intermediate separator. As discussed in the personal interview, one benefit of the above-noted feature is improved temperature and humidity exchange performance. This improvement in performance is attributed to gases being mixed on a first side of the intermediate separator to reduce non-uniformities in temperature and humidity in order to obtain a more uniform gas, prior to flowing to a second side of the intermediate separator.

Turning now to the cited art, Chow describes a fuel cell stack with a humidification section. However, Chow does not describe an intermediate separator, much less gases mixed on a first side of an intermediate separator prior to flowing to a second side of an intermediate separator. In fact, the outstanding Office Action acknowledges that “Chow does not disclose ... the exchanger comprising a plurality of stacked bodies.”¹ In contrast, as discussed in the personal interview, gases are mixed on a first side of the intermediate separator to obtain a more uniform gas prior to flowing to a second side of the intermediate separator to improve temperature and humidity exchange performance in the temperature-humidity exchanger recited in amended independent Claim 10. Chow does not describe or suggest the above-noted feature. Thus, Applicants respectfully submit that amended independent Claim 10 patentably distinguishes over Chow.

Accordingly, Applicants respectfully request the rejection of Claims 10-11 under 35 U.S.C. § 103(a) as unpatentable over Chow be withdrawn.

¹ See outstanding Office Action at page 3.

In addition, Applicants respectfully traverse the rejection of Claims 10-11 on the grounds of non-statutory obviousness-type double patenting as unpatentable over Claim 1 of Matsumura.

As discussed above, amended independent Claim 10 recites a temperature-humidity exchange stacked body on the upper side and a temperature-humidity exchange body stacked on the lower side that are stacked on each other and partitioned by an intermediate separator. Amended independent Claim 10 further recites that gases are mixed on a first side of the intermediate separator prior to flowing to a second side of the intermediate separator. As discussed in the personal interview, gases are mixed on a first side of the intermediate separator in order to obtain a more uniform gas prior to flowing to a second side of the intermediate separator, resulting in improved temperature and humidity exchange performance of the temperature-humidity exchanger recited in amended independent Claim 10.

Matsumura is silent regarding the above-noted feature. Matsumura does not describe an intermediate separator, much less gases mixed on a first side of an intermediate separator prior to flowing to a second side of an intermediate separator.

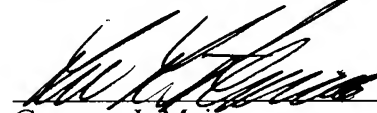
Accordingly, Applicants respectfully submit that Claims 10-11 are patentably distinct from Claim 1 of Matsumura. Therefore, Applicants respectfully request the rejection of Claims 10-11 on the grounds of non-statutory obviousness-type double patenting be withdrawn.

Newly added dependent Claim 12 depends from amended independent Claim 10, and patentably distinguishes over the cited references for at least the same reasons that amended independent Claim 10 does.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Lee Stepina
Registration No. 56,837

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